

REMARKS

Applicants thank the Examiner for total consideration given the present application. Claims 1, 4-10, 13-41, 43-58, 60, 61, 63-70, 72, 73, 75-77, 79-80, and 82-86 are currently pending of which claims 1, 10, 27, 33, 43, 50, 55, 70, 73, 75, 77, 83, and 85 are independent. Applicants appreciate that the previous arguments filed on October 17, 2008 were found persuasive. However, the pending claims now stand rejected under a new ground(s) of rejection. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

Rejection Under 35 U.S.C. §103

Claims 27-28, 31-36, 39-48, 50-56, 58, 60, 62-64, 66-70, 72-73, 75-77 and 82-86 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit et al. (U.S. Patent No. 6,279,014)[hereinafter "Schilit"] in view of Gupta et al. (U.S. Patent No. 6,546,405)[hereinafter "Gupta"] and in further view of Doyle (U.S. Patent No. 6,058,239)[hereinafter "Doyle"].

Claims 1, 4-6, 9-10 and 13-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Milne et al. (U.S. Patent No. 5,390,138)[hereinafter "Milne"] in view of Gupta, and in further view of Doyle.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Milne in view of Gupta and Doyle, as applied to claim 6, in view of Hou et al. (U.S. Patent No. 6,838,313)[hereinafter "Dwyer"].

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Milne in view of Gupta and Doyle, as applied to claim 6, in view of Dwyer et al. (U.S. Patent No. 6,571,211)[hereinafter "Dwyer"].

Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Gupta and Doyle, and further in view of Headley et al. (U.S. Patent Publication No. 2002/0194260)[hereinafter "Headley"].

Claim 30 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Gupta and Doyle, and further in view of Aihara et al. (U.S. Patent No. 5,644,674)[hereinafter "Aihara"].

Claim 36 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Gupta and Doyle, and further in view of Fielder (U.S. Patent No. 6,205,419)[hereinafter "Fielder"].

Claim 37 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Gupta and Doyle, and further in view of Hou et al. (U.S. Patent No. 5,838,313)[hereinafter "Hou"].

Claim 38 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Gupta, Doyle and Hou as applied to claim 37, further in view of Dwyer.

Claim 49 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Gupta and Doyle, and further in view of Pritt et al. (U.S. Patent No. 5,689,717)[hereinafter "Pritt"].

Claims 57 and 61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Gupta and Doyle, and further in view of Jain et al. (U.S. Patent No. 6,144,375)[hereinafter "Jain"].

Claim 65 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Gupta and Doyle, and further in view of Martin et al. (U.S. Patent No. 6,272,484)[hereinafter "Martin"].

Claims 79-80 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Gupta and Doyle, and further in view of Miller et al. (U.S. Patent No. 5,801,685)[hereinafter "Miller"].

Applicants respectfully traverse these rejections because Gupta does not qualify as "prior art" for the following reasons.

The Gupta reference does not qualify as effective prior art under 35 U.S.C. § 103(a) and 103(c) because the Assignee of the Gupta reference and the present application is Microsoft

Corporation and because the Gupta reference is merely a 102(e) reference. In order to evidence the establishment of common ownership of the Gupta reference and the present application, reference is made to the Gupta reference cover page and the records of the present application, which both show an assignment to Microsoft Corporation. It is further confirmed from the Assignee that Microsoft Corporation, indeed, owned the rights to the inventions of both the Gupta reference and the present application at the time these inventions were made. Accordingly, it is submitted that this complies with MPEP 706.02(1)(2).

Thus, for at least the above reasons, it is respectfully submitted that the Gupta reference does not qualify as effective prior art under 35 U.S.C. § 103(a) and 103(c).

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of the pending claims 1, 4-10, 13-41, 43-58, 60, 61, 63-70, 72, 73, 75-77, 79-80, and 82-86.

Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Application No. 09/768,813
Amendment dated December 16, 2008
Reply to Office Action of November 26, 2008

Docket No.: 5486-0129PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 16, 2008

Respectfully submitted,

By  #58,755
Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant